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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Bryan J. Moles, et al.
Serial No. : 09/475,602
Filed : December 30, 1999
For : SYSTEM AND METHOD FOR SECURE PROVISIONING OF A
MOBILE STATION FROM A PROVISIONING SERVER USING
IP ADDRESS TRANSLATION AT THE BTS/BSC
Art Unit : 2135
Examiner : Beemnet W. Dada
Confirmation No. : 6560

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

APPELLANTS' REPLY BRIEF UNDER 37 C.F.R. § 41.41

This Appellants' Reply Brief under 37 C.F.R. § 41.41 ("Reply Brief") is filed in response to the Examiner's Answer, which was mailed in this Appeal on September 3, 2008.

With respect to Claim 1, Examiner Dada repeats that Applegate teaches replacing an IP packet header with a replacement IP packet header including IP address "of a selected one of [a] plurality of servers," citing column 5, lines 34-65. *Examiner's Answer, page 6, lines 15-17.* Applegate describes only a single FTP proxy, not a plurality of FTP proxies. Therefore, the most

that Applegate teaches is replacing the destination IP address of a message packet of the sole FTP proxy.

Examiner Dada further argues that “Hsu could have been modified by Applegate” by substituting Applegate’s method of replacing the IP address in a packet from a mobile station for Hsu’s method of supplying an IP address for a mobile station to use, “and thereby enhance security of the system.” *Examiner’s Answer, page 6, lines 17-21*. The motivation to combine Applegate and Hsu in this way comes from the present application, not from the teaching of the cited references or the knowledge of a person of skill in the art.

Applegate describes temporarily replacing the destination IP address of a packet with the IP address of a server that checks whether the original destination IP address is an allowed connection. If the connection is allowed, the server reinstates the original destination IP address and sends the packet on its way. Thus, Applegate teaches that enhanced security is provided by a server that checks whether the destination address of a packet is an allowed address. Replacing its destination address with the server address is only the mechanism by which packets are redirected to the server; such replacement does not, itself, provide enhanced security.

As such, the person of skill in the art combining Applegate into Hsu would have redirected packets in the system of Hsu to the server of Applegate to determine whether the mobile station was using the provisioning server address it had been given and allow packets through only when correctly addressed. Extracting only the address replacement technique of Applegate is not simple substitution of a known element for another to achieve predictable results, use of a known technique to improve a similar device in the same way, or application of a known technique to a known device

to yield predictable results. Examiner Dada has merely demonstrated that each of the elements of Claim 1 were, independently, known in the prior art. The reason for combining the elements in the way they are combined in Claim 1, however, comes not from the prior art, but from the present application.

The Appellants thank the Examiner for the indication that the rejection of Claims 8 and 16 have been withdrawn. However, the Appellants submit that the rejection of Claims 1-7, 9-15 and 17-20 also is improper. The Appellants respectfully request that the final rejection of Claims 1-7, 9-15 and 17-20 also be withdrawn and that all claims of the present application be allowed.

SUMMARY

For the reasons given above, the Appellants respectfully request reconsideration and allowance of the claims and that this patent application be passed to issue.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Munck Carter Deposit Account No. 50-0208.

Respectfully submitted,

MUNCK CARTER, P.C.



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John T. Mockler
Registration No. 39,775

P. O. Drawer 800889
Dallas, Texas 75380
Tel: (972) 628-3600
Fax: (972) 628-3616
Email: jmockler@munckcarter.com